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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,972	11/14/2003	Shunzo Yamashita	520.43279X00	7493
20457	7590	12/01/2004	EXAMINER	
ANTONELLI, TERRY, STOUT & KRAUS, LLP			VO, HIEN XUAN	
1300 NORTH SEVENTEENTH STREET			ART UNIT	
SUITE 1800			PAPER NUMBER	
ARLINGTON, VA 22209-9889			2863	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">10/706,972</p>	<p>Applicant(s)</p> <p align="center">YAMASHITA ET AL.</p>	
	<p>Examiner</p> <p align="center">Hien X. Vo</p>	<p>Art Unit</p> <p align="center">2863</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-25 is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/11/04, 02/20/04, 10/7/04, 11/14/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 11/14/2003 fails to comply with 37 CFR 1.97(c) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.
2. The information disclosure statement (IDS) submitted on 02/11/04, 02/20/04 and 10/07/04 . The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

1. The abstract of the disclosure is objected to because It is too long not within the range of 50 to 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13 rejected under 35 U.S.C. 102(e) as being anticipated by Watters et al. (U.S. Patent No. 6,617,963).

With respect to claim 1, Watters et al. disclose a recording device allows wireless interrogation to determine its identity and its states including a semiconductor integrated circuit device which is built in the building structure and in which sensors for detecting physical quantity related to the property of the building structure are mounted (see e.g. Figs 1-2B, col. 1, lines 62-67); and an inspection device that receives a detect signal generated based upon the physical quantity detected by the semiconductor integrated circuit device and determines the quality of the building structure based upon the received detect signal (see e.g. Figs 1, item 102, col. 7, lines 29-35).

With respect to claims 2-5, Watters et al. disclose the invention as claimed including the semiconductor integrated circuit device is provided with a memory (see e.g. Fig. 1, item 114), the memory stores an ID number proper to the semiconductor integrated circuit device (see e.g. Fig. 1, item 112); the semiconductor integrated circuit device transmits the ID number together with the detect signal to the inspection device (see e.g. col. 8, lines 14-22), the detect signal is transmitted from the semiconductor integrated circuit device to the inspection device by radio (see e.g. col. 8, lines 23-27), the building structure is mainly made of concrete (see e.g. col. 32, lines 1-2); the semiconductor integrated circuit device is built in the building structure in state paste before the concrete is set; and the semiconductor integrated circuit device detects the physical quantity of the concrete the state of paste and transmits the detect signal to the inspection device (see e.g. col. 32, lines 5-35).

Claims 6-9, and 11-12 are method claims corresponding to apparatus claims 1-5. Therefore, claims 6-9, and 11-12 are rejected for the same rationales set forth for claims 1-5.

With respect to claim 10, Watters et al. disclose the invention as claimed including the step for specifying a semiconductor integrated circuit device that transmits the detect signal and determining the quality of the building structure is a step detecting the position of the semiconductor integrated circuit device the building structure and determining the quality of the building structure (see e.g. Fig. 5B, step 525, Fig. 5C and col. 25, lines 15-20).

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With respect to claim 13, Watters et al. disclose the invention as claimed including the sensor includes at least one of an electric resistance sensor, a temperature sensor, a pressure sensor and an acceleration sensor (see e.g. col. 10, lines 30-40).

4. Claims 14-25 allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hien Vo
11/24/04

BRYAN BUI
PRIMARY EXAMINER



11/26/04